

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DENNIS O'BRIEN and wife, KAYE)	
O'BRIEN,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO: 2:12cv0117
)	
NEW ENGLAND COMPOUNDING)	JUDGE SHARP
PHARMACY, INC. d/b/a NEW)	
ENGLAND COMPOUNDING CENTER,)	
MEDICAL SALES MANAGEMENT,)	
INC., AMERIDOSE, LLC, GREGORY)	
CONIGLIARO, individually and d/b/a the)	
above named business organizations,)	
BARRY CADDEN, individually and)	
d/b/a the above named business)	
organizations, LISA CONIGLIARO)	
CADDEN, individually and d/b/a the)	
above named business organizations;)	
CARLA CONIGLIARO, individually and)	
d/b/a the above named business)	
organizations, DOUGLAS)	
CONIGLIARO, individually and d/b/a the)	
above named business organizations,)	
)	
Defendants.)	

**MOTION FOR ENLARGEMENT OF TIME IN WHICH TO
FILE RESPONSIVE PLEADING**

Defendants Medical Sales Management, Inc., Gregory Conigliaro, Barry Cadden, Lisa Conigliaro Cadden, Carla Conigliaro, and Douglas Conigliaro (“Defendants”), pursuant to Fed. R. Civ. P. 6(b)(1)(A), move this Court for an enlargement of time until January 18, 2013 in which to file a responsive pleading to the Complaint. As grounds for this motion, Defendants submit that they have been named in numerous lawsuits in various jurisdictions around the country related to the same alleged set of facts, and they are attempting to respond in a timely

manner to the allegations but need additional time to draft and verify formal pleadings. Additionally, Defendants submit that because the initial case management conference in this matter is not scheduled until February 4, 2013, the extension will not cause any prejudice to Plaintiffs, as responsive pleadings will be filed before that date.

Undersigned counsel represents that she attempted to contact Plaintiffs' counsel by telephone and e-mail several times to determine whether Plaintiffs would agree to the extension but was unsuccessful in communicating with him.

By filing this motion, Defendants do not intend to waive, and specifically reserve, all applicable defenses, including those to jurisdiction.

Based on the foregoing, Defendants respectfully request that this Court allow them until January 18, 2013 to file a responsive pleading to the Complaint.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

By: s/Brigid M. Carpenter
Brigid M. Carpenter, B.P.R. No. 18134
Carrie W. McCutcheon, B.P.R. No. 24805
Baker Donelson Center, Suite 800
211 Commerce Street
Nashville, Tennessee 37201
(615) 726-7341
(615) 744-7341 (facsimile)
bcarpenter@bakerdonelson.com

Date: December 21, 2012

*Attorneys for Defendants Gregory
Conigliaro, Barry Cadden, Lisa Conigliaro
Cadden, Carla Conigliaro, and Douglas
Conigliaro*

CERTIFICATE OF SERVICE

I, Brigid M. Carpenter, hereby certify that on this 21st day of December, 2012, the documents filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and I served a true and accurate copy of the foregoing document to counsel of record via first class mail and e-mail as follows:

Mike Walker, Esq.
5511 Edmondson Pike, Suite 203
Nashville, TN 37211
Attorney for Plaintiffs

Jim A. Beakes, Esq.
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
1200 One Nashville Place
150 Fourth Avenue, North
Nashville, TN 37219-3422

this 21st day of December, 2012.

s/ *Brigid M. Carpenter*
Brigid M. Carpenter